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10 SERVICES CORPORATION

11 **UNITED STATES BANKRUPTCY COURT**  
12 **EASTERN DISTRICT OF WASHINGTON (SPOKANE/YAKIMA)**

13 **IN RE:**

14 **JOSEPH L. VAN SLYKE and**  
15 **EDITH E. VAN SLYKE,**

16 Debtors.

17 CASE NO. 11-04059-PCW7

18 **ORDER ON MOTION FOR RELIEF**  
19 **FROM THE AUTOMATIC STAY**

20 This matter is before the Court on the *Motion for Relief from the Automatic Stay*,  
21 dated November 3, 2011 [Docket No. 12] (the "Motion"), filed by Caterpillar Financial  
22 Services Corporation ("Caterpillar"). The Court, after considering the Motion and such  
23 other matters in the Court's file as the Court deemed appropriate, and noting the  
24 absence of any objection or response to the Motion in the Court's file, finds and  
25 concludes that the Motion is well-taken, and that the relief requested therein should be  
26 granted. Based upon the foregoing and good cause appearing therefore, **IT IS**  
**HEREBY ORDERED** as follows:

- 27 1. The Motion shall be, and it hereby is, granted.
- 28 2. The automatic stay imposed by 11 U.S.C. § 362(a) shall be, and it hereby  
29 is, terminated, effective immediately, as it relates to Caterpillar and that certain (i)

30 Order on Motion for Stay Relief

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1 315CL Excavator, Serial No. CJC03947; and (ii) RDM44EX AFE Mulcher, Serial No. 1-  
2 08-R160-315CL-20 (together, the "Caterpillar Equipment").

3 3. Caterpillar shall be, and it hereby is, authorized to exercise its state-law  
4 and contractual rights and remedies as a secured creditor of the Debtors and to  
5 foreclose upon, sell, or otherwise liquidate its interest in the Caterpillar Equipment  
6 pursuant to non-bankruptcy law.


7 4. The fourteen (14) day stay period set forth in Federal Rule of Bankruptcy  
8 Procedure 4001(a)(3), shall be, and it hereby is, waived.

9 5. The Debtors shall be, and they each hereby are, ordered to immediately  
10 (within three (3) business days) surrender possession, custody, and control of each  
11 piece of the Caterpillar Equipment to Caterpillar or its designated representative.

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15 Presented by:

16  
17 /s/ David H. Leigh  
18 David H. Leigh  
19 Ray Quinney & Nebeker PC  
36 South State Street, Suite 1400  
Salt Lake

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24   
25 Patricia C. Williams  
Bankruptcy Judge

26 11/23/2011 11:51:01

Order on Motion for Stay Relief  
Bankr. Case No. 11-04059

- 2 -

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